

AGENDA ITEM: A-2

DATE: May 2, 2012

ACTION: APPROVED

SYNOPSIS MINUTES - MORRO BAY PLANNING COMMISSION
REGULAR MEETING – APRIL 18, 2012
VETERANS MEMORIAL HALL – 6:00 P.M.

Chairperson Grantham called the meeting to order at 6:00 p.m.

PRESENT:	Rick Grantham	Chairperson
	John Solu	Vice-Chairperson
	Paul Nagy	Commissioner
	Jessica Napier	Commissioner
	John Fennacy	Commissioner
STAFF:	Rob Livick	Public Services Director
	Kathleen Wold	Planning and Building Manager
	Sierra Davis	Assistant Planner

ESTABLISH QUORUM AND CALL TO ORDER
MOMENT OF SILENCE / PLEDGE OF ALLEGIANCE
PLANNING COMMISSIONER ANNOUNCEMENTS

PUBLIC COMMENT

Chairperson Grantham opened Public Comment period and hearing none, closed Public Comment period.

PRESENTATIONS – None.

Unless an item is pulled for separate action by the Planning Commission, the following actions are approved without discussion.

A. CONSENT CALENDAR – None.

B. PUBLIC HEARINGS

B-1 **Case No.:** #AD0-070 and #UP0-346
Site Location: 2740 Dogwood Avenue
Applicant/Project Sponsor: Shaun Olson
Request: The applicant requests a Parking Exception and a Conditional Use Permit in order to make an addition to a non-conforming structure. The structure does not meet setbacks, the detached garage does not meet the required 6 foot clearance between buildings and the carport was converted to habitable space without benefit of a permit.

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The parking exception requested is for an open and uncovered parking space adjacent to the detached garage to allow the converted carport to remain habitable space.

CEQA Determination: Categorically Exempt, Section 15303, Class 3

Staff Recommendation: Deny the parking exception and convert the carport back to a covered parking space for the residence.

Staff Contact: Sierra Davis, Assistant Planner, (805) 772-6270

Sierra Davis presented the staff report.

Chairperson Grantham opened Public Comment period.

Shaun Olson, Applicant, stated he requests to add an off street parking space to the Elm Street side of the property since his driveway on Dogwood is short by 2 inches. Also, if he is forced to convert his carport, the outcome would be a property with almost as much parking as habitable living area (572 square feet of parking versus 590 square feet of habitable living space) in addition to a reduced property value going from a two bedroom home to a one bedroom home noting there is no change in the footprint in the building.

Dana Francis, resident of Morro Bay and neighbor, spoke in support of the Applicant's request and requested the Commission consider the option of grandfathering in the converted carport use and consider the Applicant's investment in the property.

Chairperson Grantham closed Public Comment period.

Commissioner Napier stated this is an illegal conversion and the burden is on the buyer to research the property. Napier questioned whether the driveway shortage of two inches is something that can be worked with.

Commissioner Nagy stated this is a good example of balancing the City ordinances and the Municipal Code with property rights. Nagy addressed three issues of concern: the illegal carport conversion, the detached garage without the minimum 6 foot setback, and the parking exception request. Nagy also stated support for willing to work with the driveway shortage of 2 inches.

Commissioner Fennacy agreed with Nagy's position stating he identifies the same three areas and he also supports grandfathering. Although a violation of local codes cannot be supported, he expressed concern with causing a decrease in property value. He supports the converted carport if it is up to code.

Commissioner Solu asked staff to clarify what and when grandfathering can be done. Wold stated grandfathering only applies to legal established structures that are made non-conforming due to changes in the Municipal Code. The Commission can choose to grant the parking exception request, however the carport would still need to be brought up to current building codes.

Commissioner Solu discussed with Wold the issue of granting a parking exception and setting a precedent. Wold clarified that to date parking exceptions have not been granted to eliminate existing parking.

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Chairperson Grantham expressed concern over setting a precedent if the parking exception were approved.

Commissioner Nagy stated support for the Applicant's request.

Commissioner Napier stated bringing the carport up to current building code standards will be a financial burden and acknowledged that granting approval could set a precedent. She also stated that the carport is not up to current Code.

Commissioner Fennacy expressed support for evaluating these requests on a case by case basis. He supports granting the parking exception and then leave it to the homeowner to bring the carport up to code.

Commissioner Solu stated support for the parking exception. He stated that opening the door for illegal conversions could make them non-illegal. This might encourage property owners to come forward to make illegal units legal and thereby increase safety.

Livick stated since there are no findings in favor of granting the parking exception, he would recommend continuing the meeting to a date certain to allow staff to bring forward findings for approval of a parking exception. Wold requested direction on what basis to make findings.

Commissioner Nagy discussed with Wold the wording of findings to which Wold suggested that due to the longevity of the carport conversion that it is not a grant of special privilege. Additionally, that it is reasonably necessary because the previous owners have been able to enjoy the property as is, and it would create both a hardship and be punitive to deny the Applicant the use of the carport. Commissioner Nagy agreed.

MOTION: Commissioner Nagy moved to continue this hearing to the May 2, 2012 Planning Commission meeting and we ask staff to make the findings that because of the longevity of the existence of this illegal addition that we are not creating a special privilege and that it is necessary for the reasonable full enjoyment of the uses and that previous property owners have been assessed for this habitable space and that that habitable space would be necessary for the Applicant to get the full enjoyment of what he has been assessed over a long period.

The motion was seconded by Commissioner Solu and carried with Chairperson Grantham voting no. (4-1)

B-2 Case No.: Zoning Text Amendment #A00-014

Site Location: Citywide

Request: The amendment will modify Section 17.44.020.1 providing specific regulations as to when additional onsite parking will be required for existing commercial building converting from one use to another without new construction or additions for specific north Main Street commercial areas.

CEQA Determination: Negative Declaration State Clearinghouse #2012031058

Staff Recommendation: Review and forward a recommendation to City Council.

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Staff Contact: Kathleen Wold, Planning and Building Manager, (805) 772-6211

Wold presented the staff report explaining proposed zoning amendment modifications. Livick clarified the next step in this process would be to forward the amendment to the City Council for a first and second reading of this ordinance. Once that is complete, it would be forwarded on to the Coastal Commission for ratification of this zoning ordinance change.

Commissioner Napier and Nagy stated support. Commissioners Solu and Fennacy had no comment.

Chairperson Grantham opened Public Comment period and hearing none closed Public Comment period.

MOTION: Commissioner Napier moved to adopt resolution number 19-12.

Commissioner Fennacy seconded the motion and carried unanimously. (5-0)

UNFINISHED BUSINESS

C-1 Current and Advanced Planning Processing List

Staff Recommendation: Receive and file.

Wold and Livick reviewed the Work Program with Commissioners.

NEW BUSINESS

Commissioner Napier stated that as part of the Zoning Ordinance subcommittee among her, Councilmember Johnson and Commissioner Nagy, she will be shadowing planning applicants who are seeking administrative permits that do not come before the Planning Commission in order to help the public. Napier asked what the best way to implement this would be. Livick suggested this could be part of the Blue Ribbon Committee.

DECLARATION OF FUTURE AGENDA ITEMS - None.

ADJOURNMENT

The meeting adjourned at 7:15 pm to the next regularly scheduled Planning Commission meeting at the Veteran's Hall, 209 Surf Street, on Wednesday, May 2, 2012 at 6:00 pm.

Rick Grantham, Chairperson

ATTEST:

Rob Livick, Secretary